

PART V: PRIVACY

The combination, collection, rental, sale, exchange, or use of consumer data must be limited to only that data which is appropriate and legal for marketing purposes. Information and selection criteria that, by reasonable standards may be considered personal and intimate in nature, will not be made available to others when there is a reasonable expectation by the consumer that the information will be kept confidential. No list or list data will be used in violation of the lawful rights of the consumer. Taping of telephone conversations for any reason will not be conducted without proper legal notice and consent, except as provided by the Electronic Communication Act of 1988.

PART VI: PROCEDURES AND DECREES

COMPLAINT PROCESS

Any person, company, or organization may make a complaint to TIA regarding a perceived breach of the Code or any relevant laws and regulations. TIA will investigate all complaints regardless of the source or the alleged offender.

TIA will make available a complaint form to facilitate the complaint process. The form is the recommended format for submitting a complaint. TIA will make available several methods to obtain a complaint form via phone request, fax request and through the TIA Internet web site.

TIA will perform the administrative function of receiving complaints and obtaining all relevant information for the adjudication process. To assist in defraying the costs of this service, the following filing fees will prevail:

- ☐ Complaints received directly from consumers.....No Fee
 - ☐ Complaints received from companies.....\$500.00
 - ☐ Complaints received from organizations.....No Fee
- (Organizations are classified as Consumer Groups, Government Agencies, Chambers of Commerce, etc.)

Complaints that are deemed odorous in nature or with the intent to purposely discredit or promote one company or individual over another is an infraction of the Code. The service provider will be given all necessary information about the complaint including details of the service or promotional material which gives rise to the alleged breach of the Code, and refer the service provider to the relevant provisions of the Code and sections alleged as violations.

The service provider will be given a reasonable time to respond and to provide any information requested. In the absence of any special circumstances, this response will be required within five business days. In special circumstances, a shorter time limit may be set, but this will be no less than 24 hours.

If the service provider fails to respond within the required period, then TIA will proceed on the assumption that the service provider does not wish to respond.

REVIEW AND ADJUDICATION

Upon receipt of all necessary information, TIA may take one of three courses of action:

1. If it appears that no breach of the Code or any law or regulation has occurred, TIA will so notify the complainant and the service provider of its findings and the matter cleared.
2. In case of consumer complaints, TIA may recommend that the service provider credit the complainant's account with the amounts charged.
3. Where it appears from all of the information obtained by TIA that a complaint is in the proper form and contains all the necessary information to adjudicate the complaint, TIA will refer the

matter to a neutral three-member Evaluation Committee as elected by the Board of Directors of TIA. TIA will prepare a report together with relevant supporting evidence which will be placed before the Evaluation Committee for adjudication. The Committee has a range of decrees which it will apply according to the degree of seriousness with which it regards the breach. Having taken all relevant circumstances into account, and having a majority vote, the Committee may take any number of actions including, but not limited to:

- ☐ requiring the service provider to cease and desist from using the TIA "seal of good standing";
- ☐ requiring the service provider to remedy the breach;
- ☐ requiring an assurance from the service provider relating to future behavior in terms determined by TIA;
- ☐ serving notice upon the entire "stream of commerce" associated with the service provider of the infraction and the findings of TIA;
- ☐ serving notice upon the entire "stream of commerce" associated with the violation of the infraction and the findings of TIA;
- ☐ ordering restitution to the individual complainant;
- ☐ notifying appropriate governmental regulatory agencies of the findings of TIA and request immediate investigation based upon material supplied and immediate action against the offending party;
- ☐ requiring the service provider to perform the action requested by the complainant.

EMERGENCY PROCEDURE

Where it appears to TIA that a breach of the Code has taken place which is serious and requires urgent remedy, the "Emergency Procedure" will be invoked. The Emergency Procedure is placed into effect by the determination of the Executive Committee of TIA.

1. TIA will undertake an immediate investigation of the complaint and notify its findings to the Evaluation Committee forthwith. TIA will take action without notification to service providers.
2. If all three members agree that there appears to be a serious breach of the Code requiring urgent remedy, TIA will then telephone the service provider and advise that the service appears to be a breach of the Code, that the Emergency Procedure has been invoked and that unless the violation is remedied immediately, the LECs will be advised of the breach and requested to forgive all charges for calls to the relevant number(s) forthwith, and the "stream of commerce" will be notified of the action in a request to discontinue providing services to the offending party. Further, if the violation is not remedied immediately, TIA will advise that the entire matter be presented to the appropriate governmental regulatory agencies for immediate action.
3. If TIA is unable to contact the service provider, TIA will advise the entire "stream of commerce" of the violation and findings of TIA.
4. Once the violation has been remedied, the service provider will be provided with all necessary information relating to the complaint and will be referred to the relevant provisions of the Code. The service provider will then be required to respond in writing within three working days as to the current status of the service and future considerations as to the violation and any compelling reasons why further actions should not proceed against the service provider in the form of violations of federal, state, and local laws and regulations.
5. All relevant information will be provided to the Evaluation Committee within 5 days from the date of the initial reference.
6. The time limits set in this section may be extended at the Committee's discretion if the Committee considers that its strict application might cause injustice.

ADMINISTRATIVE CHARGES

All service providers found to be in breach of the Code will be invoiced for the administrative costs of the work undertaken by TIA and the Evaluation Committee. The administrative costs will be a minimum of \$500.00 and a maximum of 2,500.00 depending upon the severity of the violation and depth of administrative time involvement. Non-payment will also be considered to be a breach of the Code and will result in further actions being imposed.

In the event that a complaint filed by a company results in no action, the complainant will pay the administrative costs of the work undertaken by TIA and the Evaluation Committee.

The administrative costs associated with the resolution of complaints filed by individual subscribers shall be borne by TIA.

HOW TO COMPLAIN

The Complaint Process may begin by dialing the free complaint line (800) xxx-xxxx for recorded information on how to obtain a complaint form or in an emergency to talk to a TIA staff member. TIA also maintains the complaint forms and access to the entire TIA Code of Ethics by calling (800) xxx-xxxx for fax back information. TIA also provides Internet on line access to the Code of Ethics and the complaint form by accessing the TIA home page at www.ti-assoc.org. Complainants may write to TIA at:

TeleServices Industry Association
9200 Sunset Blvd.
Los Angeles, CA 90069
ATTN: Complaint Department
Consumer Hot-Line: (310) 724-6786

COMPLAINT INFORMATION

As there are a large number of pay-per-call services and many service providers, it is helpful if complainants provide as much detail about the service as possible. The attached complaint form should be used whenever possible. When the complaint relates to promotional material, the complainant should provide a sample or, if one does not exist, details of when and where the promotion was seen or heard.

All complaints must contain the following information at a minimum:

- ☐ the name, address and telephone number of the complainant;
- ☐ a statement describing the nature of the complaint;
- ☐ the telephone number called, billed, accessed, or advertised;
- ☐ the outcome that the complainant desires.

The following information is recommended but not required:

- ☐ samples of any promotional material related to the service;
- ☐ samples of the telephone bill, credit card bill, invoice, statement or other material that indicated a transfer of funds from the complainant to the service provider or related third party;
- ☐ a description of the service as provided;
- ☐ a statement of damages.